IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 26TH JULY 2007 / 4TH SRAVANA 1929

Bail Appl..No. 4517 of 2007()

CRIME NO.105/07 OF KUMBLA POLICE STATION

PETITIONERS : ACCUSED:

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1. ABDUL HAMID, AGE 30/07, S/O.ADUNHI,
   DANDAGOIL HOUSE, FIDOOR P.O., KOIPPADY VILLAGE,
   KASARAGOD.

2. HANEEFA .K., AGE 35/07, S/O.ANTHARU,
   PERIYADUKAM HOUSE, KUNDLU VILLAGE, KASARAGOD.

BY ADV. SRI.T.B.SHAJIMON

RESPONDENTS: COMPLAINANT:

THE SUB INSPECTOR OF POLICE,
KUMBLA POLICE STATION, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 26/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.4517 of 2007

Dated this the 26th day of July, 2007

ORDER

Application for regular bail. The petitioner faces allegations under the Kerala Abkari Act. He was allegedly found to be in possession of 900 X 100 ml of Karnataka arrack on 10.06.07. He was arrested on 26.06.07. He continues in custody from that date. The learned counsel for the petitioner prays that the petitioner may now be enlarged on bail. The learned Public Prosecutor opposes the application. The petitioner has criminal antecedents. He is an accused in two other crimes under the Kerala Abkari Act. Considering the magnitude of the operation (recovery of 900 packets of Karnataka arrack in each packet having 100 ml) and considering the antecedents of the petitioner, the State is obliged to oppose the application, submits the learned Public Prosecutor.

2. In the wake of opposition by the learned Public Prosecutor, this Court can grant bail to the petitioner, only if this Court is in a position to entertain both satisfactions contemplated under Section 41 A of the Kerala Abkari Act. In the facts and circumstances of the case, I am unable to entertain either of those two satisfactions. I find merit in the opposition of the learned Public Prosecutor. In a case like this the investigator is certainly entitled to reasonable further time to complete the investigation.

3. This application is, in these circumstances, dismissed. I may hasten to observe that the petitioner shall be at liberty to move the courts below or this Court for bail again at a later stage of the proceedings, not, at any rate, prior to 10.08.2007. The investigator shall in the meantime make every endeavour to complete the investigation.

(R.BASANT, JUDGE)

rtr/-